



TERRY GODDARD
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

OFFICE OF VICTIM SERVICES

February 8, 2005

RE: State v. Repp, Elizabeth Ann et al.
Cause Number: 5-5934
Charges: Count 1: Fraudulent Schemes and
Artifices, Counts 2-7: Taking the Identity
of Another, Count 8: Unlawful Possession
of an Access Device, Count 9: Misconduct
Involving Weapons

Dear Sir/Madam:

The Arizona Attorney General's Office of Victim Services has been notified that you are a victim in the above-referenced case. We would like to take this opportunity to explain how the Office of Victim Services might assist you through the criminal justice process.

The enclosed document provides a summary of your rights as a victim and an explanation of the criminal justice process. I hope you will review this information so you can become aware of the rights and responsibilities you have under current law. There is no charge for any of our services.

This case will be referred to as "State v. Repp, Elizabeth Ann et al." because there are two defendants. Subsequent notification will provide specific information for co-defendants Elizabeth Ann Repp and Brian Lee Warner.

Due to the large volume of victims in this case, all future notification will be posted on our website at www.azag.gov under the "Victims' Rights" link on the left. If you do not have access to the internet and/or wish to receive notification by mail, please return the green Pre-Conviction Notification Request Form enclosed. We are asking you to return the Pre-Conviction Request Form to our office **no later than March 11, 2005** if you choose to request mail notification. You may mail your Pre-Conviction Notification Request Form to: The Arizona Attorney General's Office, ATTN: Office of Victim Services, 1275 West Washington, Phoenix, Arizona 85007.

As a brief summary of this case, Elizabeth Ann Repp and Brian Lee Warner were found to be in possession of the personal identifying information of approximately 500 different individuals and businesses. The information was obtained from a number of sources, including the Internet, public records, and discarded records. Repp and Warner stored this information in binders in their apartment, and used it as necessary to open credit with stores such as Target, The Gap and Best Buy, and banks such as First Premier, Provident and Citibank. They then used this credit to purchase items, which they gave to others, or re-sold.

Repp and Warner often obtained the personal information of individuals who had the same or similar names as their friends. They gave that information to those friends, who then similarly used it to obtain credit. Because investigators have not located all of Repp and Warner's associates, it is important that you vigilantly

monitor your credit to ensure that any ongoing or future use is discovered before a substantial loss is incurred.

The Attorney General's Office recommends you check your credit report immediately to determine if your personal information was used. Please alert our office as soon as possible if you discover any unauthorized accounts or activity on your credit report. The Fair Credit Reporting Act allows you to receive one free comprehensive disclosure of all information in your credit file from each of the three major credit bureaus once per year through a central source in certain states. The three nationwide consumer reporting companies have set up one central website and toll-free telephone number through which you can order your free annual report. To order, click on www.annualcreditreport.com or call 877-322-8228. If you are not among the states currently receiving this benefit, or if you have already used this service for the year, the cost of obtaining a copy of your credit report may be submitted as restitution in this case. For more information on identity theft, please check the Federal Trade Commission's website at www.ftc.gov.

Please be aware that the vast majority of criminal cases are resolved through negotiated plea agreements rather than through a trial. It is possible ***that the defendants may enter a guilty plea at any scheduled court proceeding.***

Assistant Attorney General Todd Lawson has asked me to inform you that plea negotiations are in progress with co-defendant Brian Lee Warner for a non-trial resolution of the case. The State has proposed a plea agreement that will allow the defendant to plead guilty to Amended Count 1: Attempted Fraudulent Schemes and Artifices, a class 3 felony with one prior felony conviction. The defendant will be subject to a possible penalty range of 3.5 years to 16.25 years imprisonment.

The agreement also stipulates the following additional terms regarding Brian Lee Warner:

- The defendant shall be sentenced to the Department of Corrections for no less than the presumptive term of 6.5 years.
- The defendant agrees to forfeit the weapon seized by U.S. Postal Inspectors under Count 9.
- The defendant agrees to pay restitution to all individual and corporate entity victims named in the case for costs and expenses related to the theft and use of their personal identifying information in an amount not to exceed \$10,000.00 per person.
- The defendant agrees to pay restitution to all entity victims for costs of goods and services purchased by the defendant and co-defendant using the personal identifying information of others in an amount not to exceed \$10,000.00 per entity.
- Counts 5-9 and any additional allegeable prior felony convictions will be dismissed.

If co-defendant Brian Lee Warner agrees to the proposed terms, a change of plea hearing will be scheduled. The judge will then decide at the change of plea hearing whether to accept or reject the plea agreement. If either the defendant or the judge rejects the plea agreement, the case will proceed to trial.

As the victim of a crime you have the right to speak with the prosecutor regarding the terms of this plea offer. You also have the right to be present and heard at the change of plea hearing. If you wish to exercise these rights it is important that you contact our office. We can advise you in the event of a delay or continuance, can arrange to be with you during the hearing, or assist you in scheduling an appointment with the prosecutor to discuss the plea.

The next scheduled proceeding is an initial pre-trial conference for both defendants on **February 28, 2005 at 8:30 a.m.** before Commissioner Julie Newell, Maricopa County Superior Court, Central Court Building (CCB), 9th Floor, 201 West Jefferson, Phoenix, Arizona 85003, (602) 506-3151. You have the right to attend this proceeding. ***However, you are not required to appear at any court proceeding unless you are subpoenaed or requested to attend by the Assistant Attorney General.*** Keep in mind that there can be frequent continuances and last minute changes in court proceedings. Therefore, if you plan to attend please call our office one working day in advance of the scheduled hearing so that we can verify the date and time, or make arrangements to attend with you.

By law, if your employer is in Arizona and has 50 or more employees, you have the right to leave work to attend court proceedings in your case, and your employer may not take negative actions against you, such as dismissal or discrimination, due to your leave. An employer may, however, limit the right to leave, if it would create an "undue hardship." If leaving work to attend any court hearing in this case would cause your employer undue hardship, please contact our office so we can advise the court. By law, the court must take your schedule into consideration when setting future court dates. Your employer is not required to compensate you, unless, of course, you use accrued leave time -- which your employer may require you to do.

Please note that the defendant or any representative of the defendant (attorney, investigator, etc.) is prohibited from contacting you directly regarding this criminal matter. If this happens, please call our office.

If you have sustained a financial loss as a result of the defendants' actions, please send proof of such to our office as soon as possible. You may send your restitution claim to the address or fax number below. Keep in mind, the judge may not order restitution without proof of loss. Ultimately, the final determination regarding any order of restitution rests with the court.

*Again, please remember that future notification from our office regarding this case will be posted on our website at www.azag.gov under the "Victims' Rights" link on the left. If you are requesting mail notification, we are asking you to return the green Pre-Conviction Notification Request Form to the address indicated above **no later than March 11, 2005***

The criminal justice process and the ultimate resolution of criminal matters can be time-consuming and often confusing. Therefore, if you need more information at any time throughout this case, please call our office at (602) 542-4911 or 1-866-742-4911 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sincerely,

The Office of Victim Services

Enclosure(s)

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